REMARKS

This Application has been carefully reviewed in light of the Office Action mailed March 22, 2007 ("Office Action"). At the time of the Office Action, Claims 1-16, 19-27, 30-39 and 41-49 were pending in this Application and Claims 50-68 were withdrawn. The Examiner rejects Claims 1-16, 19-27, 30-39 and 41-49. Claims 17-18, 28-29 and 40 were previously canceled without prejudice or disclaimer. Applicants respectfully request reconsideration of the pending claims and favorable action in this case.

Summary of Examiner Interview

Attorney for Applicants, Christa Brown-Sanford (Reg. No. 58,503), conducted a telephonic interview with Examiner Harish Dass on June 1, 2007. Applicants appreciate the Examiner's time to conduct the interview. In the interview, the rejections under 35 U.S.C. §112 were discussed. The Examiner suggested a course of action to address the Section 112 Rejections. While Applicants do not acquiesce to the Examiner's interpretation of Section 112 and the suggested course of action, Applicants have provided additional information below.

Rejections under 35 U.S.C. § 112

Claims 1-12 and 48-49 were rejected by the Examiner under 35 U.S.C. §112, second paragraph. The Examiner states that the term "a transactional relay component" is indefinite because the specification does not clearly redefine the term. *Office Action*, p. 2. Applicants have submitted reference pages in previous responses that clearly define "a transactional relay component." *See Specification*, p. 6, ll. 13-16; p. 7, ll. 5-20. As discussed in the Application, a transactional relay component facilitates a response to a server system regarding an economic transaction. For example, the transactional relay component may be a direct network connection to relay transactions. As another example, the transactional relay component may be a mass storage unit that stores the transaction for later transmittal to a server. Accordingly, Applicants respectfully submit that a sufficient definition has been provided and request reconsideration and allowance of Claims 1-12 and 48-49.

Rejections under 35 U.S.C. §103

Claims 1-12 and 48-49 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,787,404 issued to Ernesto Fernandez-Holmann ("*Fernandez-Holmann*") in view of U.S. Patent No. 6,157,914 issued to Hiromitsu Seto et al. ("*Seto*") and U.S. Patent No. 6,418,419 issued to Robert Scott Nieboer et al. ("*Nieboer*"). To establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Applicants respectfully submit that the cited references, alone and in combination, fail to disclose, teach, or suggest the limitations recited in Claim 1. For example, Applicants respectfully submit that *Fernandez-Holmann* fails to disclose, teach, or suggest "an identifier that identifies a customer relative to an ownership position in a company; a transactional component that facilitates an economic transaction, wherein the economic transaction comprises a purchasing or ordering of goods or services from the company." Instead, *Fernandez-Holmann* discloses "the credit card issuer 2, on or before a certain date and time (e.g. the twelfth of the month), will tabulate the credit card holder's aggregate use of the credit card . . . [and] transfer as a rebate for such credit card use, to the investment account, an amount equal to a predetermined percentage of the aggregate amount of such usage . . . ." Col. 5, ll. 52-63. *Fernandez-Holmann* teaches away from the recited claim limitations by disclosing that tracking point-of-sale transactions at selected merchants for a particular consumer is "disadvantageous since particular merchants are required to be associated with the system, and the consumer may only make purchases at those merchants in order to receive the rebate into his account." Col. 1, ll. 56-63. Neither *Seto* nor *Nierboer* account for this deficiency, and the Examiner does not make any assertions to the contrary.

As another example, the cited references fail to disclose "a transactional relay component, communicatively coupled to the transactional component, that facilitates a response to a server system regarding the economic transaction, the response including the identifier for the server system to locate additional information on the customer and to associate the economic activity with the customer for determining entitlement of ownership of stocks in the company." The Examiner relies on *Seto*, but *Seto* fails to disclose this limitation. Contrary to the Examiner's assertion, *Seto* discloses a medical support system that

"stor[es] medical information about patients." *Abstract*. Furthermore, the Examiner does not provide any teaching, suggestion, or motivation to combine the references to "associate the economic activity with the customer for determining entitlement of ownership of stocks in the company."

As yet another example, it is improper for an Examiner to use hindsight having read the Applicants' disclosure to arrive at an obviousness rejection. *In re Fine*, 837 F.2d 1071, 1075, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988). Examiners should be aware "of the distortion casued by hindsight bias and must be cautious of arguments reliant upon *ex post* reasoning." *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1742 (2007). The Examiner relies on a combination of three references from different fields to reject Claims 1-12 and 48-49. Applicants respectfully submit that the Examiner's piecemeal rejection qualifies as impermissible hindsight reconstruction.

For at least the above discussed reasons, Applicants respectfully submit that the rejection of Claim 1 under 35 U.S.C. §103(a) is improper. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claim 1 and its dependents.

Claims 13-47 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Nieboer* in view of *Fernandez-Holmann* and "Basic Financial Management," by John D. Martin et al. ("*Martin*"). To establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Applicants respectfully submit that *Nieboer*, *Fernandez-Holmann*, and *Martin*, alone and in combination, fail to disclose, teach, or suggest the limitations of Claim 13. For example, the cited references fail to disclose "a transactional reception component that receives information on an economic transaction, wherein the economic transaction comprises a purchasing or ordering of goods or services from the company, one or more economic transactions representing economic activity" and fail to disclose "determin[ing], according to a level of the economic activity, that the individual is entitled to convert a first form of ownership in the company to a second form of ownership." The Examiner acknowledges that *Nieboer* does not disclose these limitations, but instead relies on

Fernandez-Holmann. *Office Action*, p. 7-8. However, the Examiner's reliance on *Fernandez-Holmann* does not correct this deficiency. As discussed above, *Fernandez-Holmann* teaches away from an "economic transaction compris[ing] a purchasing or ordering of goods or services from the company" and "determin[ing], according to a level of the economic activity, that the individual is entitled to convert a first form of ownership in the company to a second form of ownership." Instead, *Fernandez-Holmann* discusses that tracking point-of-sale transactions at selected merchants for a particular consumer is "disadvantageous since particular merchants are required to be associated with the system, and the consumer may only make purchases at those merchants in order to receive the rebate into his account." Col. 1, ll. 56-63. *Martin* does not account for this deficiency, and the Examiner does not make any assertions to the contrary. Therefore, the cited references do not disclose, teach, or suggest each limitation of Claim 13.

As another example, it is improper for an Examiner to use hindsight having read the Applicants' disclosure to arrive at an obviousness rejection. *In re Fine*, 837 F.2d 1071, 1075, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988). Examiners should be aware "of the distortion casued by hindsight bias and must be cautious of arguments reliant upon *ex post* reasoning." *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1742 (2007). The Examiner relies on a combination of three references to reject Claims 13-47. Applicants respectfully submit that the Examiner's piecemeal rejection qualifies as impermissible hindsight reconstruction.

For at least the above discussed reasons, Applicants respectfully submit that the rejection of Claim 13 under 35 U.S.C. §103(a) is improper. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claim 13 and its dependents.

Independent Claims 24 and 33 each recite certain limitations that, for reasons substantially similar to those discussed with reference to independent Claim 13, *Nieboer, Fernandez-Holmann,* and *Martin,* alone and in combination, do not disclose, teach, or suggest. Therefore, Applicants respectfully request reconsideration and allowance of independent Claims 24 and 33 and their dependents.

CONCLUSION

Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicants respectfully request reconsideration and allowance of the pending claims.

Applicants believe no fees are due; however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts, L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicants invite the Examiner to contact its attorney, Christa Brown-Sanford, at (214) 953-6824.

Respectfully submitted,
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Date: _June 5_____, 2007

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